



ZONING VARIANCES CRITERIA

Planning & Community Development

ZONING VARIANCE (TYPE B ACTION)

1. **Purpose:** A zoning variance is a mechanism by which the City may grant relief from the zoning provisions and standards of the Code, where practical difficulty renders compliance with the Code an unnecessary hardship.
2. **Decision Criteria:** A variance shall be granted by the city, only if the applicant demonstrates all of the following:
 - a. The variance is necessary because of the unique size, shape, topography, or location of the subject property.
 - b. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner.
 - c. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone.
 - d. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property.
 - e. The variance is compatible with the Comprehensive Plan.
 - f. The variance does not create a health and safety hazard.
 - g. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - the property or improvements in the vicinity, or
 - the zone in which the subject property is located.
 - h. variance does not relieve an applicant from:
 - Any of the procedural or administrative provisions of this title, or
 - Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - Use or building restrictions, or
 - Any provisions of Critical Areas Overlay District requirements, except for the required buffer widths.
 - i. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities.
 - j. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located.
 - k. The variance is the minimum necessary to grant relief to the applicant.

The Development Code (Title 20) is located at CodePublishing.com

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